



United States Department of the Interior

FISH AND WILDLIFE SERVICE

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To: Field Manager, Salmon Field Office,
Bureau of Land Management, Salmon, Idaho

From: Field Supervisor, Eastern Idaho Field Office,
Fish and Wildlife Service, Chubbuck, Idaho

Subject: Concurrence for Effects from Grazing on Jakes Canyon Grazing Allotment, in Lemhi County, Idaho – Concurrence
In Reply Refer To: 14420-2011-I-0327

Internal Use: 1005.3000

This memorandum responds to the Bureau of Land Management's (BLM) request for Fish and Wildlife Service (Service) concurrence on effects of the subject project to species and habitats listed under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.; [Act]). The BLM's request dated September 16, 2011, and received September 19, 2011, included a biological assessment entitled *Biological Assessment for BLM Actions in the Canyon to Big Timber Watershed Assessment Area* (Assessment), dated September 2011. Since April 2010 the Service has coordinated with the BLM on this Assessment including reviews of drafts. The BLM batched multiple grazing actions in the Assessment for efficient presentation with the subject project being one of those batched actions. Through the Assessment, the BLM determined that the subject project may affect, but is not likely to adversely affect bull trout (*Salvelinus confluentus*), and its designated critical habitat. Under the Act, the bull trout is listed as a threatened species, and has critical habitat designated. Therefore, the Service's concurrence under section 7 of the Act has been requested.

The Service concurs with the BLM's determination, and the Service's rationale is presented below. Information contained in the Assessment is herein incorporated by reference. For clarity, the Service is issuing separate concurrence letters for each individual Allotment from the batched Assessment.

The BLM also made a determination that the proposed action will have no effect to Canada lynx (*Lynx canadensis*). We acknowledge your No Effect determination, but regulations implementing section 7 of the Act do not require the Service to review or concur with no effect determinations; therefore the Service will not address them further. However, we do appreciate you informing us of your determination for this listed species even if not required to do so under the Act.

Previous Consultation

This Allotment was part of a previously batched consultation in 1999, and again in 2003 (Assessment, p. 13). Both times the BLM determined that effects to bull trout fit within the may affect, but not likely to adversely affect category. Both times the Service concurred with that determination (Assessment, p. 13).

Proposed Action

Grazing - The action is continued authorization of grazing through one permit with approximately 21 cattle from May 15 to July 15 for a total of 62 Animal Unit Months, on approximately 550 acres in the

Allotment in 2 pastures (Assessment, pp. 44 and 45). No crossing permits are proposed for this Allotment (Assessment, p. 46).

Jake's Canyon Vegetation Treatment – The action includes using a single-drum aerator to break up the soil surface and improve water infiltration (Assessment, p. 46). It will also crush an older, decadent shrub overstory to stimulate younger growth (Assessment, p. 46). Approximately 225 acres of upland will be treated with this project (Assessment, p. 46). The project is not within the Riparian Habitat Conservation Area and is expected to have no impacts to bull trout or their critical habitat. After treatment, the treated area will be rested from livestock grazing (Assessment, p. 45).

Species and Designated Critical Habitat Distribution in the Project Area

A small section (0.25 miles) of Canyon Creek flows through the Allotment (Assessment, p. 44). The only stream occupied by bull trout near the Allotment is a Canyon Creek tributary named Rough Canyon Creek, but that occurrence is upstream of the Allotment on Forest Service lands (Assessment, p. 44). No bull trout have been found in the Allotment in Canyon Creek (Assessment, p. 44). Canyon Creek has reduced flows during irrigation season caused by two diversions (Assessment, p. 44). The riparian habitats and streambank stability along Canyon Creek within the allotment are generally in good condition or in an upward trend (Assessment, p. 48). Canyon Creek's condition has improved dramatically since 1990s, and is now much narrower with a large portion of the riparian area dominated by woody vegetation (Assessment, pp. 48 and 195).

There is no designated critical habitat in any of the streams within the Allotment, however the Lemhi River downstream of the Allotment is designated critical habitat under the Act, for bull trout (Assessment, p. 51). Critical habitat is proposed in those areas the Service believes have habitat components necessary for the conservation of bull trout. The habitat component of importance in the Lemhi River is largely its ability to provide for bull trout movement to tributaries, and as an area to overwinter.

Potential Impacts and Effects from the Proposed Action

In general, grazing on rangelands can impact fish and fish habitat by trampling redds, impacting stream temperature through reduction in plant shading, reducing complex bank structures by shearing overhanging banks, and increasing sediment in stream gravel through bank degradation (Assessment, pp. 29-42). Impacts can be reduced to a point where their effect to bull trout is insignificant by using move triggers, management of cattle with fences, active removal of cattle from riparian areas, and exclusion of livestock from spawning areas during spawning.

That small segment of Canyon Creek in the Allotment is not known to be occupied by bull trout (Assessment, p. 44). The low number of livestock that use the Allotment, combined with active management of the livestock has resulted in limited use of riparian areas (Assessment, p. 48). Recovery of the riparian area has been successful and dramatic under similar past management (Assessment, p. 195). Also, the BLM has included a wide array of permit terms and conditions, monitoring, and adaptive management techniques to limit impacts to upland and riparian habitats on this Allotment (Assessment, pp. 44-45). The aggregated effect of these actions and circumstances led the BLM to determine that any remaining effects to bull trout and their habitat, including important habitat components of critical habitat downstream in the Lemhi River are likely to be insignificant (Assessment, p. 52).

Concurrence

Based on Service review of the Assessment, we concur with the BLM's determination that the project outlined in the Assessment and this memorandum, may affect but is not likely to adversely affect bull trout. This concurrence is based on the condition of bull trout habitat within the Allotment, bull trout distribution, project design, and protective measures included as part of the proposal that reduce impacts of grazing to bull trout. We also concur with the determination that the proposed action is not likely to adversely affect designated critical habitat, because the grazing strategy and protective measures included as part of the proposal reduce the scale of impacts such that they are unlikely to affect designated critical habitat downstream.

This concludes informal consultation. Further consultation pursuant to section 7(a) (2) of the Act is not required. Reinitiation of consultation on this action may be necessary if new information reveals effects of the action that may affect listed species or designated habitat in a manner or to an extent not considered in the assessment, the action is subsequently modified in a manner that causes an effect to the listed species that was not considered in the analysis, or a new species is listed or critical habitat is designated that may be affected by the proposed action.

Thank you for your continued interest in the conservation of endangered, threatened, and proposed species. If you have any questions regarding this consultation, please contact Doug Laye of this office at (208) 237-6975.

cc: BLM, Salmon (Feldhausen and Trapani)
NOAA, Boise (Mabe)
NOAA, Salmon (Murphy and Fealko)
IDFG, Salmon (Lukens, Curet)